

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Quest Software, Inc.,

Plaintiff,

File No. 1:11-cv-511

v.

HON. PAUL L. MALONEY

Electronic Claims Services, Inc.
and James Neumann,

Defendants.

_____ /

ORDER TO SHOW CAUSE

This action comes before the Court on Plaintiff Quest Software's motion for temporary restraining order. Upon review of the verified complaint it does not appear to the Court that immediate and irreparable injury, loss, or damage will result to the Plaintiff before Defendant Electronic Claims Services' and Defendant James Neumann can be heard in opposition. *See* Fed. R. Civ. P. 65(b). Plaintiff's motion for temporary restraining order can also be construed, however, as a motion for preliminary injunction. No preliminary injunction can be issued without notice to the adverse party. Fed. R. Civ. P. 65(a)(1). Accordingly,

IT IS HEREBY ORDERED that to the extent Plaintiff seeks *ex parte* relief, Plaintiff's motion for temporary restraining order (ECF No. 1) is **DENIED**.

IT IS FURTHER ORDERED that to the extent Plaintiff seeks a preliminary injunction, a **HEARING** on Plaintiff's motion shall be held on **Wednesday, June 8, 2011 at 1:30 p.m.**,¹⁷⁴ Federal Building, 410 W. Michigan Ave., Kalamazoo, MI 49007, at which time Defendants shall **SHOW CAUSE**, if any, why Plaintiff's request for a preliminary injunction should not be granted.

IT IS FURTHER ORDERED that Plaintiff shall file any supplemental material relevant to its motion for preliminary injunction by Friday, May 27, 2011 at 5:00 p.m.

IT IS FURTHER ORDERED that Plaintiff shall serve Defendants with a copy of this order, along with a copy of the summons and complaint as soon as possible, but no later than Friday, May 27, 2011 at 5:00 p.m., and shall file a proof of service.

IT IS FURTHER ORDERED that Defendants shall file a written response to Plaintiff's motion by Friday, June 3, 2011 at 12:00 p.m. (noon).

Date: May 24, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge